

REMARKS

In the Office Action, the Examiner rejected pending claims 1-29. By this paper, Applicants have amended claims 1, 2, 8, 11, 14, 19, 20, 22, 24, 26, and 29, cancelled claims 9, 10, 27, and 28, and added new dependent claims 30-37. Upon entry of these amendments, claims 1-8, 11-26, and 29-37 will be pending in the present patent application. Reconsideration and allowance of all pending claims are respectfully requested.

Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-29 under 35 U.S.C. § 102(e) as being anticipated by Carlton et al. (U.S. Patent No. 6,061,717), hereinafter referred to as Carlton. Of these rejected claims, claims 1, 11, 20, and 24 are independent. Applicants respectfully traverse this rejection.

Legal Precedent

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). The prior art reference must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Carlton Does Not Designate a Portion of the Screen Based Upon an Input Event

Independent claim 1 recites, *inter alia*, “identifying a logical block of the screen display affected by the input event.” (Emphasis added). Similarly, independent claims 11 and 20 recite, *inter alia*, “designating a portion of the screen . . . based upon the input event data.” (Emphasis added). In contrast, the entire calculator image is reproduced in Carlton,

including segments of the displayed box unaffected by inputs to the calculator program. *See* Carlton, col. 10, lines 47-58. The Carlton system updates the entire display information by capturing, transferring, and implementing GDI calls. *See* col. 2, lines 41-57; col. 8, lines 15-48; col. 10, lines 16-55. Carlton does not designate or identify a portion or logical block of the displayed calculator image (or entire screen) affected by an input event or based upon input data, as claimed. *See id.* Moreover, while only a part of the screen may be reproduced in Carlton, it is not based upon an input event but on the normal display of the program in use. *See id.* The entire display of the calculator program is merely re-displayed on the screen. *See id.* Accordingly, the Carlton reference cannot anticipate independent claims 1, 11, and 20, or the claims dependent thereon.

Carlton Does Not Transmit Data Representative of the Portion [of the Screen]

Independent claim 1 recites, *inter alia*, “transmitting data corresponding to the logical block.” (Emphasis added). Likewise, independent claims 11 and 20 recite, *inter alia*, “transmitting screen data representative of the portion.” (Emphasis added). Conversely, the entire display of the calculator program is transmitted (via intercepted GDI calls). *See* Carlton, col. 10, lines 47-58. Contrary to the present claims, any portion of the screen transferred in Carlton from a controlled computer to a controlling computer is the entire display of the program (i.e., the calculator program) and not a logical block of the screen or calculator display affected by an input event. *See id.* This is true even for bitwise transmission in Carlton, which notes that all pixels of the space occupied by the calculator must be transferred. *See* col., lines 44-46. Accordingly, for this reason as well, the Carlton reference cannot anticipate independent claims 1, 11, and 20, or the claims dependent thereon

Carlton Does Not Store Data Representative of the Portion [of the Screen]

Claim 1, as amended, further recites, *inter alia*, “storing display data for the logical block at the controlling computer.” (Emphasis added). Claim 11, as amended, recites, *inter alia*, “wherein the screen data representative of the portion is stored in memory.”

(Emphasis added). Claim 20, as amended, recites, *inter alia*, “storing the transmitted screen data representative of the portion.” (Emphasis added). Lastly, independent claim 24, as amended, recites, *inter alia*, “a controlling computer receiving screen data” and “a memory . . . configured to store portions of the interface screen . . . based upon input events.” (Emphasis added).

In contrast, Carlton may sometimes store a bitmap, such storage not based on an input event, but simply on the limitation of the disclosed system. *See* Carlton, col. 10, lines 58-62. Moreover, all other screen data transferred in Carlton are displayed and not stored. Indeed, the Carlton GDI calls are recaptured each time they are transferred from one computer to another computer, conflicting with the approach of storing screen data, much less storing a logical block of screen data identified based upon an input event, as claimed. *See* col. 2, lines 41-57; col. 8, lines 15-48; col. 10, lines 16-55. Carlton does not store the display data because Carlton relies on the fully recaptured GDI calls to update the screen displays. *See id.* Clearly, Carlton does not store screen data representative of a logical block based upon an input event, as claimed. For these reasons, the Carlton reference cannot anticipate independent claims 1, 11, 20, and 24, or the claims dependent thereon.

Carlton Does Not Store Data Representative of the Screen

Claim 1, as amended, recites, *inter alia*, “storing the data representative of the screen display in memory at the controlling computer.” Claim 11, as amended, recites, *inter alia*, “wherein the screen data representative of the screen is stored in memory.” Claim 20, as amended, recites, *inter alia*, “storing the transmitted screen data representative of the screen in memory at the plurality of controlling computers.” Conversely, while Carlton may rarely store a bitmap, it does not store data representative of the screen. *See* Carlton, col. 10, lines 58-62. Instead, the screen data is simply displayed. Accordingly, the Carlton reference cannot anticipate independent claims 1, 11, 20, and 24, or the claims dependent thereon, for this additional reason.

Carlton Does Not Disclose a Controlled Computer Coupled to a Controlled Device

Independent claim 24 also recites, as amended, *inter alia*, “wherein the controlled computer is coupled to the controlled device, and wherein instructions corresponding to the input events are executed on the controlled device.” In stark contrast, the Carlton reference is directed to the shared use and viewing of an application program in a teleconferencing setting and is absolutely devoid of a controlled device coupled to a controlled computer. Col. 1, lines 20-44; col. 2, line 41 – col. 3, line 9; col. 3, lines 15-53; Fig. 1. Therefore, the Carlton reference cannot anticipate independent claim 24, or the claims dependent thereon, for this additional reason.

Request Withdrawal of Rejection

In view of the deficiencies of Carlton discussed above, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of all pending claims.

Dependent Claims

While the dependent claims are believed to patentable by virtue of their dependency on an allowable base claim, the dependent claims are also patentable because of the subject matter they separately recite.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1-29 under 35 U.S.C. 103(a) as being unpatentable over Mairs et al. (U.S. Patent No. 6,216,177), hereinafter referred to as Mairs, in view of the Carlton reference. Applicants respectfully traverse this rejection.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case, the Examiner must not only show that the modified reference

includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the reference. *See Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). The Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to modify the cited reference. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Deficiencies of the Cited Combination

Applicants note that the Examiner, in combining the two references, relied on Mairs as the primary reference. The Examiner relied on Carlton (as the secondary reference) only to disclose “dealing with the sharing of application input . . . such as input events. See Final Office Action, pages 4-5. However, the Mairs reference is directed to the shared use of a given application program between two computers, inapposite the present claims. An input by a user at a given computer is processed by that computer for display at that computer. A “shared system” processes the input for display at other computers. See, e.g., col. 1, lines 11-14 and 25-27; col. 2, lines 14-19; col. 4, lines 40-59.

Mairs Does Not Obviate the Deficiencies of Carlton

Initially, Applicants emphasize that the Mairs reference does nothing to obviate the deficiencies of the Carlton reference discussed above. For example, the Mairs Share System installs an intercept GDI layer in place of the standard GDI layer provided by the operating system. *See Mairs*, col. 6, lines 9-12. Therefore, the Mairs system transfers the intercepted output data to the remote or shadow computer, to fully recreate the display of the shared applications program without designating a portion or logical block of the screen based on an input event, as recited in the present independent claims. For screen data transmitted in Mairs (i.e., if the shadow computer system cannot support the particular GDI function), the transmitted screen data corresponds to the GDI function call. *See Mairs*, col.

55-61. This transmitted screen data is not based upon an input event but on the replicated total display corresponding to the GDI function call. *See id.* Lastly, it should be noted that while a bitmap may be stored in Mairs for re-use, the designation and storage of the bitmap is not based on an input event, as claimed. *See, e.g.,* Mairs, col. 3, lines 16-22. For these reasons, the present claims are believed to be patentable over the cited combination of Mairs and Carlton for this reason alone.

Mairs Does Not Teach a Controlled Computer

Contrary to the Examiner's assertion, Mairs does not disclose a "controlling computer" and a "controlled computer," as recited by independent claims 1, 11, 20, and 24. *See* Final Office Action, page 4. Instead, Mairs discloses a host computer and a shadow computer that share an application program and that do not control each other. *See, e.g.,* Mairs, col. 1, lines 11-14 and 25-27; col. 2, lines 14-19; col. 4, lines 40-59; col. 5, lines 15-16 (explaining that the host inputs to the shared application). Indeed, while either the host computer or the shadow computer may input data to the shared application, the Mairs reference is notably absent of a scheme where one computer controls another computer. *See, e.g.,* Mairs, col. 1, lines 26-43; col. 5, lines 12-16. Accordingly, for this additional reason, the Examiner has failed to establish a *prima facie* case of obviousness with respect to the independent claims 1, 11, 20, and 24, and the claims dependent thereon.

Mairs Does Not Teach Transmission of Screen Data from a Controlled Computer

Further, also contrary to the Examiner's assertion, Mairs does not disclose the transmission of screen data (or any data) from a controlled computer to a controlling computer, as recited in the independent claims. *See* Final Office Action, page 4. Indeed, the transfer of data is in the opposite direction, relative to the present claims. *See, e.g.,* Mairs, col. 2, lines 9-10. The Examiner contended that the computer (either host or remote) that manipulates the shared application is the computer that is in control. *See* Final Office Action, page 4. However, this computer (labeled as the controlling computer by the Examiner) displays its manipulation immediately via its resident program. Therefore, in

direct conflict with the present claims, there is no transfer of screen data from the opposite computer to the user at the computer manipulating the shared application.

It should be emphasized that the computer that the Examiner labels as the controlled computer (i.e., the computer that manipulates the shared application program via the "Shared system") does not receive screen data from the opposite computer reflecting the changes to the display at that opposite computer based on the manipulation. *See, e.g.*, col. 1, lines 11-14 and 25-27; col. 2, lines 14-19; col. 4, lines 40-59. As indicated, the simultaneous display of screen output is achieved in Mairs by: (1) displaying the output at the host computer via execution of the program resident at the host computer; and (2) transmitting display data from the host computer via the shared system to the remote or shadow computer, the opposite direction relative to the present claims. *See* Mairs, Abstract. This is also true where the host and remote computers reverse roles. *See* Mairs, col. 7, lines 26-48.

While the screen of the *remote* computer is updated to reflect the entry made to the shared application by the host computer via the share system, it is clear that there is no need for the user of the host computer to view its manipulation of the shared application as displayed on the remote computer. *See, e.g., id.* After all, the host computer locally displays the result of its manipulation immediately. Plus, as discussed above, the host is not controlling the remote computer, but instead manipulates a shared application. Clearly, Mairs is absolutely devoid of transferring data from a controlled computer to a controlling computer, as claimed. Accordingly, for this additional reason, the Examiner has failed to establish a *prima facie* case of obviousness with respect to the present claims.

Request Withdrawal of Rejection

In view of the deficiencies of cited combination discussed above, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of all pending claims.

Dependent Claims

While the dependent claims are believed to patentable by virtue of their dependency on an allowable base claim, the dependent claims are also patentable because of the subject matter they separately recite.

New Claims

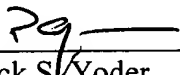
Applicants added new claims 30-37, of which new claim 35 is independent. Claim 35 is directed to a method for remotely controlling a computer, including designating, transmitting, and storing data representative of a logical portion of screen data based on an input event. As discussed above, the Carleton and Mairs references, taken alone or in combination, do not teach these features. New dependent claims 30-34 and 37 relate generally to the control of a machine (e.g., a medical system or device) via the controlling and controlled computers. Dependent claim 36 recites the feature of capturing the screen at the controlled computer for transfer to the controlling computer. All new claims are believed to be in condition for allowance.

Conclusion

In view of the foregoing remarks, it is believed that the pending claims are clearly allowable over all of the cited prior art. Accordingly, reconsideration and allowance of all pending claims are requested. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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